

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

DOUGLAS LEE HECKAMAN,

Petitioner,

Civil Action No. 1:24-cv-835

v.

HON.

CHRIS KING,

Respondent.

PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner Douglas Heckaman, through his attorney, Timothy A. Doman (P77811) of GRABEL & ASSOCIATES, respectfully states:

1. Mr. Heckaman is a citizen of the United States, is a resident of Ingham County, Michigan, and is currently imprisoned in Muskegon Heights, Michigan.
2. Mr. Heckaman is currently unconstitutionally detained and imprisoned by the Respondent, Chris King, Warden, at the Earnest C. Brooks Correctional Facility, where Mr. Heckaman is serving a 25- to 37½-year sentence imposed by Judge Joyce Draganchuk of the Ingham County Circuit Court, after

Mr. Heckaman was convicted by a jury of two counts of first-degree criminal sexual conduct, MICH. COMP. LAWS § 750.520b(1)(a).

3. Mr. Heckaman's earliest release date is December 18, 2044.
4. Mr. Heckaman has exhausted all state remedies available to him regarding the ineffective-assistance issue raised in this petition by taking the following steps:
 - a. Mr. Heckaman pursued a direct appeal in the Michigan Court of Appeals, arguing that his trial counsel provided ineffective assistance by failing to present evidence that the complainant had a motive to fabricate her allegations.
 - b. On May 19, 2022, the Michigan Court of Appeals affirmed Mr. Heckaman's convictions in an unpublished opinion, holding that while trial counsel performed deficiently, Mr. Heckaman was not prejudiced because the court was not persuaded that the motive-to-fabricate evidence "would have" led to an acquittal. *People v. Heckaman*, No. 3544888 (Mich. Ct. App. May 19, 2022).
 - c. Mr. Heckaman timely applied for leave to appeal in the Michigan Supreme Court.
 - d. On November 30, 2022, the Supreme Court remanded the case to the court of appeals to reconsider Mr. Heckaman's ineffective-assistance claim under the correct "reasonable probability" standard for prejudice. *People v. Heckaman*, ___ Mich. ___; 981 N.W.2d 495 (2022).

- e. On May 25, 2023, the court of appeals once more affirmed Mr. Heckaman's convictions in an unpublished opinion, holding that even applying the correct prejudice standard the court was "not persuaded to change our analysis and conclusions." *People v. Heckaman*, No. 354888 (Mich. Ct. App. May 25, 2023).
- f. Mr. Heckaman again timely applied for leave to appeal in the Michigan Supreme Court.
- g. On October 3, 2023, the Supreme Court denied leave to appeal. *People v. Heckaman*, 513 Mich. 856 (2023).

5. As set forth in the accompanying Memorandum of Law, Mr. Heckaman is being detained in violation of the Fifth and Fourteenth Amendments of the United States Constitution.

6. Mr. Heckaman has not filed any previous Petition for a Writ of Habeas Corpus in this or any other federal district Court.

RELIEF REQUESTED

For the foregoing reasons, Petitioner Douglas Heckaman, asks:

- A. That Respondent be required to appear and answer the allegations in this Petition;
- B. That this Court grant oral argument in this matter;
- C. That after full consideration, this Court grant this Petition and order that Mr. Heckaman either be promptly retried or released from custody;
- D. That this Court grant such other, further, and different relief as the Court may deem just and proper under the circumstances.

Respectfully submitted,

/s/ Timothy A. Doman
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